IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 376 OF 2006

Appasaheb Krishnaji Lokhande ...Petitioner

V/s

The State of Maharashtra & Ors. ...Respondents.

Mr. Y.A. Jahagirdar, Senior Advocate, with Mr. Dilip Bodake for the Petitioner

Mr. S.R. Nargolkar, Assistant Government Pleader, for Respondents No. 1 and 2

Mr. R.V. More with Mr. A. Kenjale for Respondent No. 3.

CORAM: V.G. PALSHIKAR, Ag.C.J., &
SMT. NISHITA MHATRE, J.
DATE: FEBRUARY 21, 2006.

P.C.:-

By this petition, the petitioner has impugned the order of the Maharashtra Administrative Tribunal (for short, "the Tribunal"), rejecting his Original Application challenging the order of his transfer.

2. The Tribunal has given cogent reasons for rejecting the Original Application. The basic ground taken before the Tribunal, as also before us, is that there was unwarranted political interference and re-adjustment in the matter of transfer, and therefore, the entire process of transfer was vitiated. At the request of the learned counsel for the petitioner, the record was called for and examined. We are satisfied, on perusal of the record, that the interference was not, in any manner, *mala fide* and it was because of certain incorrect information placed before the authority.

3. Transferring a government servant is a prerogative of the employer-Sate and unless it is vitiated by particular *mala* fide, interference by judicial authorities is not warranted. Hence, the petition is dismissed.